

**MANISTEE CITY
ZONING BOARD OF APPEALS**

Meeting of July 28, 2011
5:30 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I CALL TO ORDER

II ROLL CALL

III APPROVAL OF AGENDA

At this time the Zoning Board of Appeals can take action to approve the July 28, 2011 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the March 28, 2011 meeting Minutes.

V PUBLIC HEARING

ZBA-2011-02 Bill and Cathy Zielinski, 1019 High Street - Variance to front- yard set-back

Bill and Cathy Zielinski, 1019 High Street are requesting a variance to reduce the front-yard set-back from 15 feet to 2 feet 8 inches to add a roof over existing porch.

At this time the Chair will open the public hearing

The Applicant shall be asked to present their case to the Zoning Board of Appeals.

City Staff and any Consultants serving the City will present their reports

The Hearing will be opened for Public Comments

The Public Hearing will be closed.

VI BUSINESS SESSION:

Action on Pending Cases

ZBA-2011-02 Bill and Cathy Zielinski, 1019 High Street - Variance to front- yard set-back

After the Public Hearing is closed the Zoning Board of Appeals can take action on the request from Bill and Cathy Zielinski, 1019 High Street for a variance to reduce the front-yard set-back from 15 feet to 2 feet 8 inches to add a roof over existing porch.

At this time the Zoning Board of Appeals could take action to approve/deny/approve with conditions the variance request from Bill and Cathy Zielinski to reduce the front-yard set-back from 15 feet to 2 feet 8 inches to add a roof over existing porch.

Old Business

Other Business of the Appeals Board

Misc.

VII PUBLIC COMMENTS AND COMMUNICATIONS

At this time the Chair will ask if there are any public comments.

VIII ADJOURNMENT

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

MEETING MINUTES

March 28, 2011

DRAFT

A meeting of the Manistee City Zoning Board of Appeals was held on March 28, 2011 at 2:00 p.m. in the Second Floor Conference Room, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Mark Hoffman, John Perschbacher

MEMBER ABSENT: Ray Fortier (excused), Bill Kracht (excused), Craig Schindlbeck (excused)

ALTERNATES PRESENT: Mark Wittlief

OTHERS PRESENT: Denise Blakeslee (Planning & Zoning)

The meeting was called to order at 2:00 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

MOTION by Mark Hoffman, seconded by Mark Wittlief to approve the March 28, 2011 meeting Agenda.

With a voice vote this MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES:

MOTION by Mark Hoffman, seconded by Mark Wittlief to approve the March 24, 2011 Zoning Board of Appeals Meeting Minutes.

With a roll call vote this MOTION PASSED 3 to 0.

3 - Yes Hoffman, Wittlief, Perschbacher
0 - No None

PUBLIC HEARING:

None

DRAFT

BUSINESS SESSION:

Old Business:

None

Other Business of the Appeals Board:

None

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

None

ADJOURNMENT:

There being no further business meeting MOTION by Mark Hoffman, seconded by Mark Wittlief that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY

Meeting adjourned at 2:05 p.m.

Respectfully Submitted

DRAFT

Denise J. Blakeslee, Recording Secretary



REQUEST FOR APPEAL
CITY OF MANISTEE
ZONING BOARD OF APPEALS

Name: Bill and Cathy Zielinski
Address: 1019 High Street
City, State, Zip Code: Manistee, MI 49660
Phone Numbers: cell 312-330-7504 (home) 231-723-9456 (no answering service)
Agent Name & Phone Number if applicable: Jim Johnson 231-723-2982

FEE FOR APPEAL \$500.00

OFFICE USE ONLY	
Appeal Number: <u>ZBA-2011-02</u>	Date Received: <u>7-5-11</u>
Receipt Number/Fee Amt: <u>23985</u>	Hearing Date: _____
Zoning District for Property: <u>R.2</u>	Parcel Code Number: _____
Type of Request:	
<input checked="" type="checkbox"/> Variance Request	<input type="checkbox"/> Ordinance or Map Interpretation
<input type="checkbox"/> Appeal from Administrative Decision	<input type="checkbox"/> Other Authorized Review

PLEASE NOTE: All questions must be answered. Incomplete applications will be returned to be completed before processing. If additional space is needed, number and attach additional sheets.

State exactly what is intended to be done on, or with the property which necessitates a variance from the Zoning Board of Appeals:

Add roof cover to existing front porch.

PROPERTY INFORMATION:

Tax Roll Parcel Code # 51-51- 748-750-09

Property Address: 1019 High Street Manistee, MI 49660

Names & Addresses of all other persons, firms or corporations having a legal or equitable interest in the land. none

Present use of parcel: Residential, single family

List of all deed restrictions (attache additional sheets if necessary): none

Has a previous appeal been made with respect to this property? ☐ Yes ☒ No

If a previous appeal, re-zoning or special use permit application was made state the date, nature of action requested and the decision: n/a

DETAILED REQUEST AND JUSTIFICATION:

Please identify each requested variance:

		Required by Zoning	Requested by Appellant
<input checked="" type="checkbox"/>	Front-Yard Set-Back	from <u>15 ft.</u>	to <u>existing 2'8"</u>
<input type="checkbox"/>	Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/>	Side-Yard Set-Back	from _____	to _____
<input type="checkbox"/>	Rear-Yard Set-Back	from _____	to _____
<input type="checkbox"/>	Waterfront Set-Back	from _____	to _____
<input type="checkbox"/>	Height	from _____	to _____
<input type="checkbox"/>	Area Requirements	from _____	to _____
<input type="checkbox"/>	Off-street Parking	from _____	to _____
<input type="checkbox"/>	Other	_____	_____

Please mark all characteristics of your property which require the granting of a variance.

Dimensional information

- | | | |
|-------------------------------------|--------------------|---|
| <input type="checkbox"/> | Too Narrow | _____ |
| <input type="checkbox"/> | Too Small | _____ |
| <input type="checkbox"/> | Too Shallow | _____ |
| <input type="checkbox"/> | Elevation (height) | _____ |
| <input type="checkbox"/> | Slope | _____ |
| <input type="checkbox"/> | Shape | _____ |
| <input type="checkbox"/> | Soil | _____ |
| <input type="checkbox"/> | Subsurface | _____ |
| <input checked="" type="checkbox"/> | Other (Specify) | <u>add roof cover to existing porch</u> |

Variances. The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one (1) of the Specific Conditions** set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

1. Basic Conditions. The Board shall find that a variance request meets all of the following conditions.

- a. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
☒ Yes ☐ No
- b. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
☒ Yes ☐ No
- c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
☒ Yes ☐ No
- d. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
☒ Yes ☐ No
- e. The requested variance shall relate only to property that is under control of the applicant.
☒ Yes ☐ No
- f. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
☒ Yes ☐ No

- g. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
☒ Yes ☐ No
- h. The requested variance is the minimum variance that will make possible the reasonable use of the land.
☒ Yes ☐ No

2. Special Conditions. When **all** of the foregoing basic conditions can be satisfied, a variance may be granted when any **one** (1) of the following special conditions can be clearly demonstrated:

- a. Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.
☒ Yes ☐ No

See attachment
 ①
 photos of
 current porch

Justification: There is an existing uncovered porch in place. The size and placement of this existing porch are logical and practical based on the structure of the house. We are not proposing to change the position or location of this porch. We are simply recommending a cover, which will increase the functionality of the porch and provide protection from the weather elements.

- b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
☒ Yes ☐ No

See attachment
 ②
 Sears catalog
 advertisement

Justification: The house plans and materials, design #52, were offered by Sears, Roebuck and Company, in their catalog as early as 1908. The catalog drawing shows the house with a covered porch. We are suggesting that covering the existing porch would bring the house closer to the original design.

- c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
☒ Yes ☐ No

See attachment
 ③
 drawing of
 proposed roof
 addition

Justification: We would propose that this tasteful, well-constructed improvement to the house would be an aesthetic enhancement to the neighborhood.

3. Rules. The following rules shall be applied in the granting of variances:

- a. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
- b. Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized

by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

- c. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

AFFIDAVIT:

The undersigned acknowledges that if a variance is granted or other decisions favorable to the undersigned is rendered upon this appeal, the said decision does not relieve the applicant from compliance with all other provisions of the City of Manistee Zoning Ordinance; the undersigned further affirms that he/she or they is (are) the (owner/lessee/authorized agent for the owner) involved in the appeal and the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his, her or their knowledge and belief. By signing this affidavit permission is given for Zoning Board of Appeals Members to make a site inspection if necessary.

Signature  Date 7/5/11

Signature Catherine H Zielinski Date 7/5/11

Representation at the Public Hearing by either the applicant or agent is encouraged.

July 2008



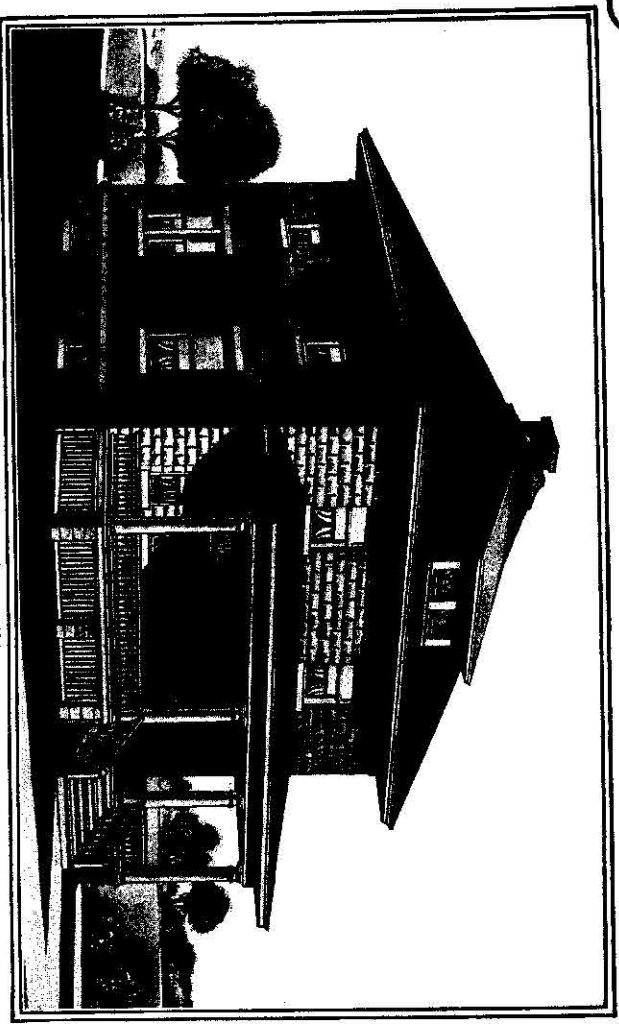
1019
High St

1

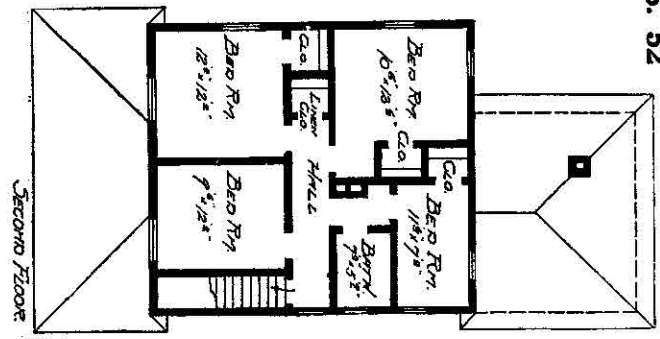
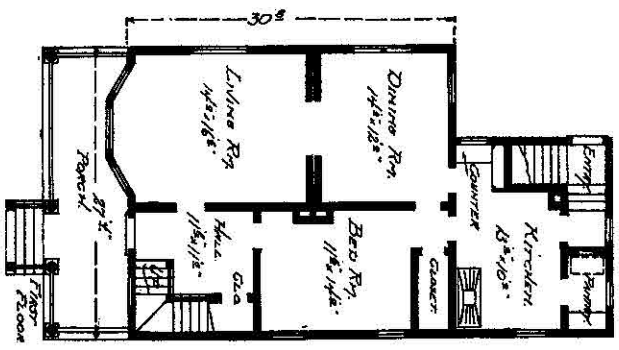


1019 High St

2



MODERN HOME No. 52



\$903⁰⁰

2

For \$903.00 we will furnish all the material to build this Nine-Room House, consisting of Mill Work, Flooring, Ceiling, Finishing Lumber, Pipe, Gutter, Sash Weights, Hardware, Painting Material, Lumber, Lath and Shingles. NO EXTRAS, as we guarantee enough material at the above price to build this house according to our plans.

By allowing a fair price for labor, cement, brick and plaster, which we do not furnish, this house can be built for about \$2,200.00, including all material and labor.

For Our Offer of Free Plans See Page 3.

A SQUARE concrete block residence with nine conveniently arranged rooms. Open stairway in the hall with closet underneath. Doors between stair hall and living room and between stair hall and bedroom. Double sliding doors between dining room and living room. (Trade entrance opening to a landing with steps to the kitchen and also stairs to the cellar. Pantry in kitchen; closet in bedroom. On second floor are four bedrooms, four closets and bathroom.

Majestic front door, 1 1/2 inches thick, glazed with bevel plate glass. First floor inside doors, soft pine stiles and rails and five-cross yellow pine panels. Second floor doors, five-cross panels, clear soft pine. Clear yellow pine baseboard, casing and molding throughout the entire house. Yellow pine stairs of choice grain. Clear yellow pine flooring for first and second floors and porches.

Concrete block foundation made with 8x8x16-inch concrete blocks; cedar shingles for roof. Front porch, 27 feet 4 inches long by 9 feet wide; Colonial columns. Queen Anne attic and stair hall sash. Leaded Crystal front living room window.

Concrete block houses can be constructed at about one-third less than stone construction, and if properly built and well furred on the inside to make a dead air space between the blocks and the plaster, will be perfectly dry and healthful. A number of people apply the plaster directly to the block wall. We do not recommend this kind of construction unless you are sure that your concrete blocks are thoroughly waterproofed with a good waterproofing compound.

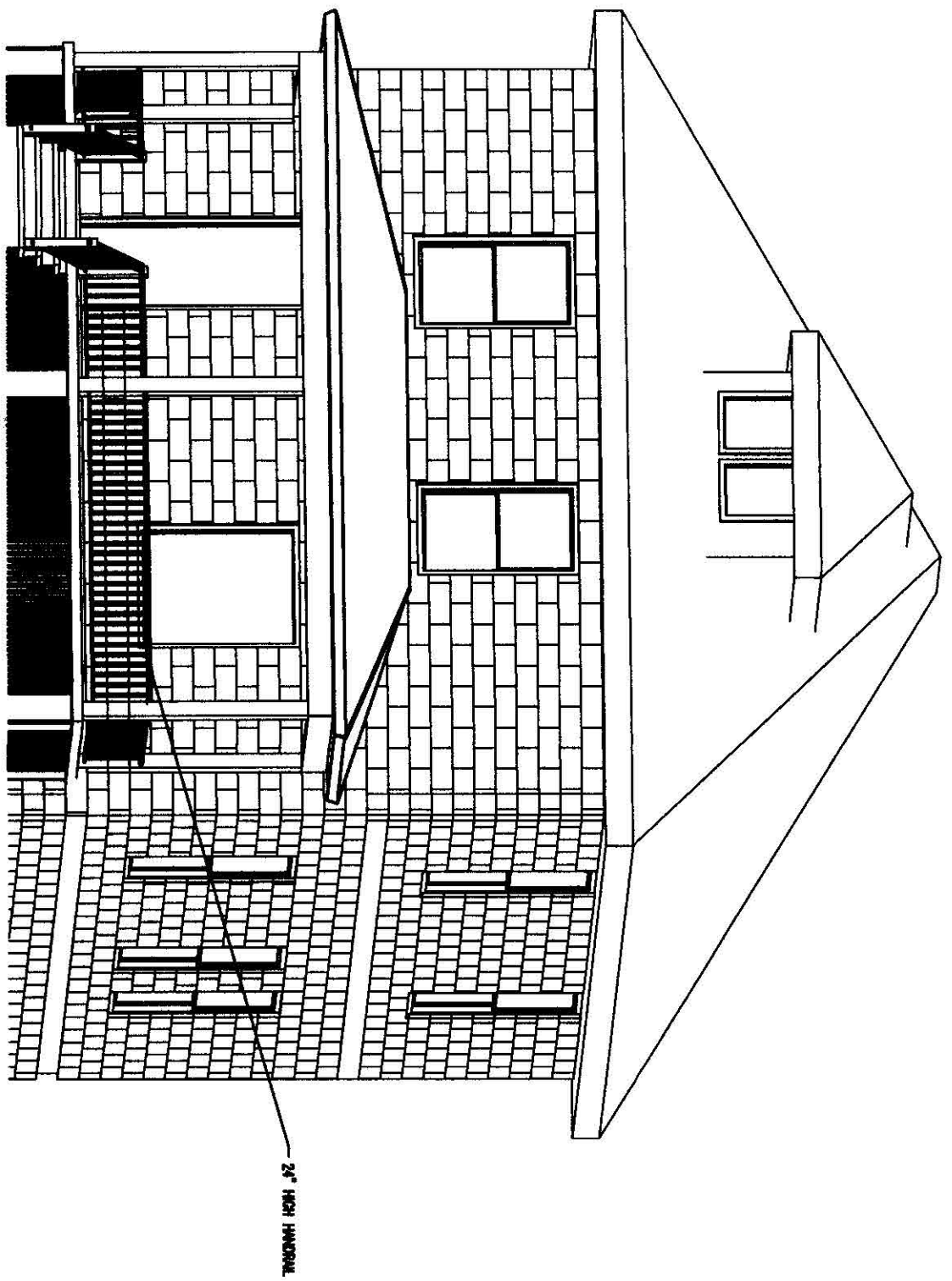
Excavated basement under the entire house, 7 feet 6 inches from floor to joists. Rooms on the first floor are 9 feet 4 inches from floor to ceiling; second floor, 8 feet 6 inches from floor to ceiling.

This house can be built on a lot 32 feet wide.

Complete Warm Air Heating Plant, for soft coal, extra.....	\$ 93.59
Complete Warm Air Heating Plant, for hard coal, extra.....	95.66
Complete Steam Heating Plant, extra.....	175.80
Complete Hot Water Heating Plant, extra.....	224.00
Complete Plumbing Outfit, extra.....	137.00

SEARS, ROEBUCK
AND CO.  CHICAGO,
ILLINOIS

3



3

DATE: 08/24/11

SCALE: N.T.S.



2448 RIVER ST., 49060
MONTICELLO, MI 49060
PH: 221.7228-2802

OWNER: Bay & Cathy Zelnicki
1019 High St.
Monticello, MI 49060

NOTES:
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2011 Restoration

11131
WEST FORD ST. HUNTERD.